

Substitute Page 7 of the Remarks portion of the Amendment submitted March 22, 2003:

the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Fassin does not disclose each feature of the rejected claims as amended.

Amended claim 1 recites:

A knife holder for a microtome having a cutting plane, comprising:

a knife having a cutting edge, said cutting edge defining a cutting plane, wherein said knife is disposed on one side of said cutting plane, and

a blade guard comprising a plate,

wherein said plate is arranged on the same side of said cutting plane as said knife and is spaced apart from said cutting plane to the side of said cutting edge of said knife in such a way that in a functional position of said blade guard in a cutting direction a small gap is provided between said cutting edge of said knife and the edge of said plate toward said knife with a maximum width chosen such that the joint of a person's finger cannot come into contact with said cutting edge of said knife.

This amendment to Claim 1 is supported in the specification:

The positions of the plate (11) at the knife holder has a functional position and an adjustment position. This is disclosed on page 9, lines 14 and 15 of the specification.

The feature "In the cutting direction a small gap (b) is provided between the cutting edge (3a) of the knife and the edge of the plate (11) toward the knife, with a maximum width chosen such that the joint of a person's finger cannot come into contact with the cutting edge (3a) of the knife" is disclosed on page 9, lines 6-9 of the continuation application.

The function of the invention is made clear by the recitation set forth above.

Applicant respectfully believes that this submission fully responds to the requirements set forth in the Miscellaneous Action of September 9, 2003, and should place the specification and claims in condition for further review by the Examiner.

Wherefore, further consideration and allowance of the claim is respectfully requested.

Respectfully submitted, _____

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I hereby certify this correspondence is being submitted to Commissioner for Patents, Washington, D.C. 20231 by facsimile transmission on September 12, 2003, fax number (703) 872-9302.

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